

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHYTO TECH CORP. d/b/a BLUE CALIFORNIA, and :
CONAGEN INC., :

Plaintiff, :

v. :

GIVAUDAN SA :

Defendants. :
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18-CV-06172 (JGK)

*Application granted
So ordered.
JGK/Kels
5/2/22 U.S.D.S.*

NOTICE OF PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER PARTIAL SEAL

PLEASE TAKE NOTICE that, pursuant to Section VI.A.2 of Your Honor's Individual Rules of Practice, Plaintiffs Phyto Tech Corp. and Conagen Inc., by and through the undersigned counsel, respectfully requests permission for leave to file Phyto Tech Corp. d/b/a Blue California and Conagen Inc.'s Proposed Findings of Fact and Conclusions of Law under partial seal, and to redact certain portions of those documents. Defendant Givaudan SA has advised that it does not object to this motion.

This is a case in which Plaintiffs allege trade secret violations. Plaintiffs' Proposed Findings of Fact and Conclusions of Law discuss the confidential and proprietary technical and strategic business information of BGN Tech LLC and Plaintiffs, information that Plaintiffs characterize as trade secret and confidential, and material designated confidential by parties in this litigation under the protective order. This information is of significant value to Plaintiffs, as Plaintiffs intend to show at the forthcoming trial in this matter. The Court has previously granted requests by both parties to seal this information in filings with the Court. *See, e.g.*, Dkt. Nos. 40 (granting request to file sealed material); 73 (granting Plaintiffs' motion for leave to file

documents under seal); 83 (granting letter motion to seal).

To minimize the amount of material under seal, Plaintiffs do not seek to seal the entire document. Rather, Plaintiffs seek permission to redact certain specific portions of the Proposed Findings of Fact and Conclusions of Law that refer to such confidential and proprietary technical and strategic business information. Those portions are highlighted in the attached document.

Dated: April 29, 2022

Respectfully submitted,

By: /s/ Martin J. Black

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